

## § 229.4

Manager/Postmaster who reports to a Field Division General Manager/Postmaster.

(b) *Functional Units.* Each Management Sectional Center is organized into six functions: Finance, City Operations, Operations Services, Marketing, Human Resources, and Field Operations, as follows:

(1) Finance is responsible for the operation of all management information systems, accounting and budget, timekeeping, financial analysis, statistical programs, procurement and office services, auditing, and compliance.

(2) City Operations is responsible for all mail processing within the MSC facility including stations and branches and air mail operations; plant and equipment engineering; fleet operations; vehicle operations and maintenance.

(3) Operations Services is responsible for providing staff support to the operations function. The primary functions in operations services include quality control, logistics, address information systems, delivery services, and industrial engineering.

(4) Marketing plans and implements Postal Service marketing strategies, account management, technical sales support, retail marketing, merchandising and sales information systems. It provides marketing data to operations and other functional areas on customer demand, and recommends locations of retail facilities, hours of operation, collection boxes, and similar retail and delivery programs.

(5) Human Resources is responsible for labor relations, EEO complaint processing, employment and development, training, compensation and staffing, affirmative action, and safety and health.

(6) Field Operations is responsible for the management and evaluation of associate offices that report to the Management Sectional Center. This includes the development of operating budgets and disbursement of funds; investigation and correction of operational, service, budget, productivity and efficiency problems; and providing technical assistance. Larger associate offices report to the MSC Manager/Postmaster as follows:

## 39 CFR Ch. I (7–1–04 Edition)

(i) MSC V—Associate Office, level 22 and above.

(ii) MSC IV—Associate Office, level 21 and above.

(iii) MSC III—Associate Office, level 20 and above.

[54 FR 29711, July 14, 1989]

### § 229.4 Other Field Organizations.

(a) *Bulk Mail Centers (BMCs).* Bulk Mail Centers serve a specific geographic area and are headed by a manager who reports to the Field Division General Manager/Postmaster. BMCs are responsible for processing certain types of second- and third-class mail in bulk form and parcel post mail, normally in bulk or piece form.

(b) *Associate Offices.* Associate offices are headed by a postmaster who reports to a Director, Field Operations, in an MSC or a field division. Associate offices are responsible for the receipt, delivery, and dispatch of all classes of mail for geographic areas normally encompassing the boundaries of a city or town.

[54 FR 29711, July 14, 1989]

## Inspection Service Requirements

### PART 230—OFFICE OF INSPECTOR GENERAL

#### Subpart A—General Policy and Authority

Sec.

230.1 Establishment and authority.

230.2 Access to information and other responsibilities.

230.3 Cooperation with the Office of Inspector General.

230.4 Arrest and investigative powers of criminal investigators.

230.5 Release of information.

#### Subpart B—Rules Governing Compliance with Subpoenas, Summonses, and Court Orders by Postal Employees Within the Office of Inspector General Where Neither the Postal Service, the United States, Nor Any Other Federal Agency Is a Party

230.10 What do these rules govern?

230.11 What special definitions apply to these rules?

230.12 Can Office of Inspector General employees testify or produce documents that would assist me in my civil proceeding?

## United States Postal Service

## § 230.1

- 230.13 Why are restrictions on Office of Inspector General employees in civil proceedings necessary?
- 230.14 Who owns the written or recorded notes, memoranda, reports, and transcriptions made pursuant to an official investigation, audit, or review conducted by an employee of the Office of Inspector General?
- 230.15 What must an Office of Inspector General employee do if served with a demand requiring the production of documents or an appearance in court?
- 230.16 Is there a prohibition on presenting Office of Inspector General reports or records during an employee's testimony?
- 230.17 If an attempt is made to compel production of reports and records during the employee's testimony, what is an Office of Inspector General employee directed to do?
- 230.18 If authorization to testify or produce documents is not obtained by the employee, what is the employee directed to do?
- 230.19 What criteria will the authorizing official use to determine whether to authorize testimony or production of documents?
- 230.20 What records will not be released?
- 230.21 May the General Counsel to the Inspector General and/or a U.S. Department of Justice attorney represent the employee in any appearance?
- 230.22 May another employee be substituted for the employee requested to appear?
- 230.23 May an Office of Inspector General employee testify as an expert or opinion witness?
- 230.24 How is a demand for employee documents or testimony made to the Office of Inspector General?
- 230.25 Who pays the costs incurred when the Office of Inspector General responds to a demand for documents or testimony?
- 230.26 Do these rules affect the service of process requirements of the Federal Rules of Civil Procedure (28 U.S.C. Appendix)?
- 230.27 Do these rules create any right or benefit enforceable by a party against the Postal Service?

AUTHORITY: 5 U.S.C. App.3; 39 U.S.C. 401(2) and 1001.

SOURCE: 67 FR 16025, Apr. 4, 2002, unless otherwise noted.

### Subpart A—General Policy and Authority

#### § 230.1 Establishment and authority.

(a) There is established, pursuant to the Inspector General Act of 1978, as amended (5 U.S.C. App.3), and 39 U.S.C.

410, an independent Office of Inspector General.

(b) The Inspector General reports directly to the nine presidentially appointed Governors and shall not be supervised by, nor report to, the Postmaster General and/or any designee appointed by the Postmaster General.

(c) The Office of Inspector General includes an Inspector General, an Assistant Inspector General for Audit, and an Assistant Inspector General for Investigations. The Office of Inspector General maintains its own legal counsel independent of the Postal Service Law Department for matters that are within the jurisdiction of the Office.

(d) The Office of Inspector General is responsible for detecting and preventing fraud, waste, and abuse in the programs and operations of the Postal Service, and for reviewing existing and proposed legislation and regulations relating to the programs and operations of the Postal Service.

(e) The Inspector General has oversight responsibilities for all activities of the Postal Inspection Service. The Chief Postal Inspector must promptly report to the Inspector General significant activities and other information related to the Inspection Service as required by law.

(f) The Inspector General has sole responsibility for directing the Office of Inspector General, including the authority to select, appoint, and employ such officers and employees that the Inspector General deems necessary and appropriate to fulfill the mission of the Office. In addition, the Inspector General may delegate to such officers and employees of the Inspector General such powers, duties, and responsibilities, as the Inspector General deems necessary and appropriate for the proper functioning of the Office.

(g) All employees in the Office of Inspector General shall take and subscribe to the oath of office required of all Postal Service employees under 39 U.S.C. 1011, and the Inspector General, or designee, is authorized to administer such oath and affirmation.

(h) The Inspector General has the authority to enter into contracts or other arrangements with public agencies and with private entities, and to make such payments as may be necessary to carry

## **§ 230.2**

## **39 CFR Ch. I (7–1–04 Edition)**

out the duties and responsibilities of the Office of Inspector General.

(i) The Inspector General may hire and retain the services of expert consultants and other personnel as necessary to fulfill the duties and responsibilities of the Office.

(j) Except as required by law, the Governors may not transfer to the Inspector General responsibility for performing any of the program activities of the Postal Service.

### **§ 230.2 Access to information and other responsibilities.**

(a) The Inspector General has authority to have access to all postal records, reports, audits, reviews, documents, papers, information, and other material relating to any matter related to the responsibilities of the Inspector General;

(b) The Inspector General shall be the Investigating Official for purposes of the Program Fraud Civil Remedies Act.

### **§ 230.3 Cooperation with the Office of Inspector General.**

(a) All Postal Service employees shall cooperate with all audits, reviews, and investigations conducted by the Office of Inspector General. Deliberately submitting information known to be false or misleading to the Office of Inspector General or failing to cooperate with all audits, reviews, and investigations conducted by the Office of Inspector General may be grounds for disciplinary or other legal action.

(b) Any employee who has authority to take, direct another to take, recommend or approve any personnel action shall not retaliate against any employee as a reprisal for cooperating and assisting with any Office of Inspector General audit, review, or investigation (including reporting facts or information to the Office of Inspector General that leads to any audit, review, or investigation).

### **§ 230.4 Arrest and investigative powers of criminal investigators.**

Under the authority of 18 U.S.C. 3061, criminal investigators employed by the Office of Inspector General are authorized to perform the following functions in connection with their official duties:

(1) Serve warrants and subpoenas issued under the authority of the United States;

(2) Make arrests without warrant for offenses against the United States committed in their presence;

(3) Make arrests without warrant for felonies cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such a felony;

(4) Carry firearms; and

(5) Make seizures of property as provided by law.

### **§ 230.5 Release of information.**

(a) The Office of Inspector General is responsible for maintaining and storing its own records and for assuring compliance with applicable records management, retention, and disclosure requirements.

(b) The Inspector General or a designee serves as the official custodian of the records and documents of the Office of Inspector General and is responsible for administering the rules and regulations relating to public availability of Postal Service Office of Inspector General records insofar as the information is subject to the provisions of the Freedom of Information Act, contained in Section 552 of Title 5 of the U.S. Code and 39 U.S.C. 410 (c), and/or the Privacy Act, Section 552a of Title 5 of the U.S. Code.

(c) Requests for records and information under the Freedom of Information Act or Privacy Act should be submitted in writing to the Office of Inspector General, Freedom of Information/Privacy Act Officer, located at 1735 N. Lynn Street, Arlington, Virginia, 22209-2020.

(d) The Office of Inspector General shall comply with and adhere to the procedures governing the release of information maintained by the U.S. Postal Service as set forth in Part 265 and related provisions of these regulations to the extent such procedures do not conflict with any provision in this part.

(e) Appeals from the denial of any request for information should be directed to the General Counsel for the